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**MEMPHIS APPEAL.**  
F. A. TYLER, - - - EDITOR.  
WEDNESDAY MORNING, JAN. 19, 1870.

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situation be violated, there can be no appeal but to the people.  
We think neither Congress nor the people qualified to adjudicate rightly such questions. With regard to Congress, Senator Russell has furnished the proof when he says, "they constitute the only body of men in the Government who regularly return to and mingle with the people, feel the beat of the popular heart, know the popular opinion, know the popular wants, and reflect the popular mind."  
The many men of proper qualifications for representatives, but it is just because they are of the character described, "feel the beat of the popular heart," and reflect their prejudices and passions, that they are wholly disqualified from balancing with a firm hand the scales of justice, or endowed with sufficient legal information to decide constitutional questions.

How many able lawyers are there in either House of Congress? May the few that are there not be warped by their prejudices to such an extent as to disqualify them from judging correctly? Who that has read Senator Drake's speech would trust to his judgment for a correct interpretation of a constitutional question? If the many that are not lawyers have to trust to the few that are, might not the same results be much better settled by better lawyers (the Supreme Court) who have nothing else to do than investigate legal questions—who have no interest, no bias, no prejudices one way or the other.

The people of the United States, as a whole, are as intelligent as those of any other nation—perhaps more so—but that they are qualified to decide rightly abstract constitutional questions, every man in the country knows not to be so. How is such a thing possible, unless man acquires knowledge of laws by inspiration or absorption? There is no other way.

The people of this country are like those of all other countries, divided into various professions and pursuits—farmers, merchants, lawyers, doctors, professors, artists, mechanics and common laborers. To qualify themselves for their respective pursuits; to provide means for the support of themselves and families, requires their constant, daily and entire energies of body and mind. As the country gets older, and competition increases, the more and more will it become necessary for each and every man to devote his entire energies to one pursuit—one idea, if you choose—neglecting all else.

What time have men thus employed to ponder over Coke, Blackstone, Story, and Kent's commentaries, and ten thousand elementary volumes and reports? If they do not do this, can they be qualified? If not qualified, can they decide correctly things they know nothing about? Supposing they were qualified, which would be an extremely rare presumption, there is another fatal objection. This country is so extensive that it is like any nation in the world, with their interests, habits of thought, and notions widely different.

What interest would the people of Michigan, or of Missouri, or of Oregon, take in the decision of a question which interests the people of Louisiana or Texas only? Would not the people of Missouri, perhaps, throw their votes and support such questions with as much indifference as they would to hear of a caravan of Arabs being smothered under the shifting sands of some desert in Africa? If they could be induced to take an interest not the chances one hundred to one that they may have received their impressions from the breath of some dishonest, intriguing demagogue? If a man wants the services of a physician, he will not go to a lawyer. If a lawyer, he will not go to a blacksmith; for the reason that the blacksmith knows no law. So our ancestors thought when making a constitution. They had put it in the constitution that Congress might do this and that; that they should not do this and that. They knew these matters would involve questions whether they had transcended their authority or not? That these laws and constitutions would have to be composed, construed, expounded and decided. That the persons best qualified to do this were men endowed with high legal talents, whose lives have been devoted to that study. For this purpose they constructed the Supreme Court, and designated a species of tribunal to decide the questions of law.

Having disposed of the matter of the Senator's speech, we turn now to the anxious with which it was concocted. There is no complaint from any civil district in all of these United States against the judicial power created by the Constitution; or that they do in the main decide questions correctly. Indeed, the Senator virtually admits this, for he claims to have ascended this question himself, and his bill introduced into the Senate was not called for by any single respectable gentleman throughout the length and breadth of the country.

We would not rob the Senator of his laurels, such as they are, and we think there is not one man in Congress silly enough to try and participate with him in his honors.

The Senator starts out with the proposition that Congress, and Congress alone, represents the sovereignty of the national will. We have answered that by suggesting they do in the President represents the sovereignty; and then when they are to be adjudged and expounded, the judicial power represents the sovereign will.

It is necessary next, after convincing them that they have the omnipotent power of Parliament, to show that Chief Justice Marshall's opinions are not only unconstitutional, but an insult to Congress. He says: "Sir, between co-ordinate departments of the Government, there are some things never to be supposed, but all ways to be held impossible until they actually occur. The remedy which is applied by the courts, cannot be applied at all, derogatively against the action of Congress."

Again: "I insist that there is enough honesty, fidelity and intellect here to protect the Constitution from violation, and dispense with the supervision of the judiciary." The Constitution must answer that question by saying: "This may be so, but the men who made it thought another tribunal was better qualified, for many reasons, to discharge that duty."

Again: "The argument, then, that there ought to be somewhere a check upon unconstitutional legislation, which is applied by the courts, cannot be applied at all, derogatively against that Congress has not seen enough of."

My people, I grant you, are very passionate. But they are, nevertheless, thoroughly right-headed. The honesty which underlies their hasty judgments will do you justice in the end. Bear, therefore, a little longer the passions of the moment, and the good conscience that have distinguished the Southern people, and constrained by an irresistible force of my heart to draw back from lot or part in their government by any other right than that of their own consent.

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do you, and their own better nature, justice, I must decline, as I do here with sincere thanks, the honor you would do me, as a duty to the analogies of my public life, and sympathies of my heart.  
Believe me, General, to be, with sincere respect and sympathy,  
Very faithfully yours,  
J. P. ALCORN.  
To Bevet Maj.-Gen. Ames, Commanding Fourth Military District.

**CHICAGO.**  
Fatal Shooting—Suicide—Railroad Excursion Party.  
CHICAGO, January 17.—At Elkhardt, Ind., at 10 a.m. to-day, Edward Russell, editor of the office of the railroad blacksmith shop and shot Wm. A. Williams, the foreman, killing him instantly. Russell went immediately to a justice of the peace and delivered himself up. The forensic inquest between Williams and Russell's wife was the cause of the tragedy.  
John Pinkerton, doorkeeper at the Board of Trade, committed suicide Sunday evening by taking laudanum. He had been much under the influence of liquor.  
During the thunder storm last night the mercury stood at 42°, and today it rose to 40°.

An excursion party, consisting of railroad and newspaper men, left for Omaha via the Chicago, Burlington and Quincy, and Burlington and Missouri Railroads, for the purpose of celebrating the opening of this route to Omaha. They will be absent several days.

**NEW ADVERTISEMENTS.**  
To Whom It May Concern.  
JOHN W. LIGHTBURN is the only authorized agent at Memphis, Tenn., for the sale of the following: JOHN N. BOWLING, President.

**NOTICE.**  
PLANTERS who want BLACK LABOR can obtain it by calling at the General Passenger Department, No. 1, Front Street, between the hours of 10 a.m. and 6 p.m.

**REMOVAL.**  
THE Memphis Insurance Company have removed from the old Bank Building, 100 Main Street, to the new Bank Building, 100 Main Street, between the hours of 10 a.m. and 6 p.m.

**Consignments at Landing.**  
40 barrels K. D. Meal, full weight, by "Julia," at 41 1/2.  
20 bags Seed oats, by "Julia," at 70 cents; And we have at landing and in store, 300 barrels FLOUR, all grades, and all on consignment, and parties wishing car-loads can get it low, from \$1.25 to \$1.75.  
WOLCOTT, SMITH & CO., 244 Main Street.

**Legal Notice—Plantation to Let.**  
BY virtue of the authority of Receiver, I have received from the Honorable the Circuit Court of the United States for the District of Middle Tennessee, I will sell at public auction, on the 21st day of January, 1870, at 10 o'clock a.m., the following described land, to-wit: A certain tract of land, known as the "Old Brown Plantation," near the mouth of the River, containing about 100 acres, more or less, and all the buildings, improvements, and everything in complete order. It is situated on the right bank of the River, and is well adapted for planting, and is a very desirable place for a plantation. It will be sold to the highest bidder, and the sale will be held at the residence of the Receiver, at Memphis, Tennessee, on the 21st day of January, 1870, at 10 o'clock a.m.

**Attachment Suit.**  
State of Tennessee, County of Shelby—Before P. H. Milford, Clerk of the Court. I, P. H. Milford, Clerk of the Court, do hereby certify that the following is a true and correct copy of the petition filed in the Court of the County of Shelby, Tennessee, on the 15th day of January, 1870, by the State of Tennessee, against the State of Tennessee, for the purpose of attaching the property of the State of Tennessee, and for the purpose of enforcing the payment of the debt due to the State of Tennessee, and for the purpose of enforcing the payment of the debt due to the State of Tennessee, and for the purpose of enforcing the payment of the debt due to the State of Tennessee, and for the purpose of enforcing the payment of the debt due to the State of Tennessee, and for